

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARY E. LENTZ,	:	Case No.: 01-CV-599
	:	
Plaintiff,	:	(Judge Watson)
	:	
v.	:	DEFENDANTS' RESPONSE IN
	:	OPPOSITION TO PLAINTIFF'S MOTION
	:	FOR TELEPHONIC SETTLEMENT
	:	CONFERENCE
	:	
	:	
CINCINNATI INSURANCE	:	
COMPANY, et al.	:	
	:	
Defendants.	:	

Following the Final Pretrial Conference on May 26, 2005, the Court issued an Order in which it set a Settlement Conference in this matter for June 6, 2005 at 9:30 a.m. before United States Magistrate Judge Tim Black. In the event settlement does not occur at this Settlement Conference, the Court has ordered that jury selection will take place before Judge Black at 2:00 p.m. on June 6, 2005, with Opening Statements and trial in this matter to begin the morning of June 7, 2005.

Pending before the Court are Defendants' Motions *in limine*, which, if granted, would limit the trial in this matter **to the real issue before the Court – did Mark Huller terminate Mary Lentz's employment with the Cincinnati Insurance Company because she put Cincinnati Insurance Company's money in her bank account or because she is female** – and a motion to strike two witnesses whom Plaintiff failed to timely identify as persons with knowledge or as witnesses.

Against this backdrop, late on Friday, May 27, 2005, Plaintiff filed a motion asking the Court to schedule a telephonic settlement conference for some time during the four business days (May 31 – June 3, 2005) remaining before June 6, 2005, the date on which the Court has already scheduled a settlement conference and the beginning of trial.

Defendants oppose this motion for a variety of reasons. The Court has already provided an opportunity on June 6, 2005 for the parties to sit down in person and determine whether any resolution of this matter is possible. Defendants believe that nothing is likely to be gained from a telephonic conference, which is an awkward and ineffective vehicle for meaningful dialogue. Additionally, Defendants are busy preparing for trial. Given that the trial of this matter is about a week away, they and their counsel have already committed their time for the period from May 31 – June 3, 2005 for trial preparation. Finally, Defendants remain skeptical about the possibility of resolution in a case where the Plaintiff has admitted that she took funds belonging to her employer, Cincinnati Insurance Company, something she admits no other employee of the company did, placed those funds in her personal bank account, and yet continues to make and increase substantial settlement demands. However, Defendants intend in good faith to listen to and discuss any meaningful settlement offers that are presented at the June 6, 2005 Settlement Conference scheduled by the Court.

For these reasons, Defendants respectfully request that the Court deny Plaintiff's Motion for a Telephonic Settlement Conference and that the parties move forward with the Settlement Conference already scheduled before Judge Black for June 6, 2005, with the trial in this matter to begin immediately following the Settlement Conference, if necessary.

Respectfully submitted,

s/ Jack B. Harrison

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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2005, a copy of Defendants' Response in Opposition to Plaintiff's Motion for a Telephonic Settlement Conference was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. Mail to those parties who are not served via the Court's electronic filing system, if any. Parties may access this filing through the Court's system.

s/ Jack B. Harrison

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